FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.66 OF 2005
IN
FIRST APPEAL NO.129 OF 2003

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	: : : : :	Court's or Judge's Orders

Mr. Rajendra Pai with Sajal Biswas for the applicant.

Mr. B.M. Shah, respondent 2, in person, present in court.

CORAM: SMT. RANJANA DESAI, J.

DATED: 22ND FEBRUARY, 2005.

P.C.:-

In this civil application, it is prayed that the conditional order dated 18/11/2004 passed by the Registrar General dismissing the first appeal for non prosecution be set aside.

I have heard Mr. Pai, the learned counsel appearing for the applicants and Mr. Shah, respondent 2, in person. Mr. Shah has strenuously opposed grant of the civil

application. However, in the circumstances of the case and for the reasons stated in the application, the civil application will have to be granted. It appears that this first appeal was earlier dismissed on 8/1/2003 because the office objections were not removed. This has certainly caused inconvenience to the respondents. Hence, the applicants are directed to pay costs quantified at Rs.5,000/- to respondent 2. Payment of costs shall be condition precedent to the setting aside of the conditional order dated 18/11/2004 and restoration of the first appeal. Costs should be paid within one week from today.

Application for amendment allowed. Amendment to be carried out forthwith.

It appears that on 9/7/2003, Justice A.M. Khanwilkar has ordered that this first appeal should be heard along with Writ Petition No.1812 of 1987. In view of this, the office is directed to club all these matters together and place them in the final hearing board on 15/3/2005.

All concerned to act on the ordinary copy of this order duly authenticated.

(SMT. RANJANA DESAI, J.)